

ORIGINAL

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U.S. COURTS  
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IDAHO

Attorneys for Creditor Margaret Mead Trust

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF IDAHO

In Re:	)	Case No. 96-03050 ACH
	)	Chapter 7
SAWTOOTH ENTERPRISES, INC.,	)	
dba The Buckin' Bagel,	)	<b>REQUEST FOR PAYMENT OF</b>
	)	<b>ADMINISTRATIVE EXPENSE</b>
Debtor.	)	
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The Creditor, Margaret Mead Trust, Lessor of the property commonly referred to as the Fairview Store by Debtor (hereinafter "Lessor"), hereby files a request for payment of administrative expenses for preservation of the estate pursuant to 11 U.S.C. § 503(b).

The Debtor, as Trustee, rejected the Lease with this Lessor and the Court entered an order approving that rejection on January 17, 1996. From the date of filing through the date of rejection, the Debtor occupied the premises and, as Debtor in possession, is liable for lease payments through the date of rejection pursuant to 11 U.S.C. § 365(d)(3). Lessor submits that it is entitled to payment of the post-petition rent through the date of rejection as administrative expense. The actual and

necessary cost of preserving Debtor's estate from the date of filing through the date of rejection is an amount equal to the amount due under the Lease obligations impliedly assumed by Debtor prior to rejection.

**WHEREFORE**, Lessor respectfully requests the Court direct payment of the post-petition arrearages through the date of rejection in the amount of \$5,938.75, as reflected in the Proof of Claim filed by Lessor, be paid as an administrative priority expense under 11 U.S.C. § 503(b).

**RESPECTFULLY SUBMITTED** this 31<sup>st</sup> day of March, 1997.

EBERLE, BERLIN, KADING, TURNBOW  
& McKLVEEN, CHARTERED

By   
Derrick J. O'Neill

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on the 31<sup>st</sup> day of March, 1997, a true and correct copy of the foregoing document was served upon the following by the method and at the addresses indicated, which are the last addresses of said parties known to me:

Sawtooth Enterprises, Inc.  
dba The Buckin' Bagel  
Post Office Box 829  
Boise, ID 83701

☒ U. S. Mail  
☐ Messenger Delivery  
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☐ Facsimile

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Post Office Box 6097  
Ketchum, ID 83340

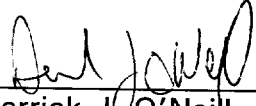
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Office of the U. S. Trustee  
Post Office Box 110  
Boise, ID 83701-0110

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Derrick J. O'Neill